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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/691,352

10/22/2003

Keith K. Cargin JR.

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EXAMINER

WRIGHT, INGRID D

ART UNIT

PAPER NUMBER

2835

MAIL DATE

DELIVERY MODE

10/31/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/691,352

Applicant(s)

CARGIN ET AL.

Examiner

Ingrid Wright

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 44-94 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 49-53, 59-66 and 87-90 is/are allowed.
- 6) ☒ Claim(s) 44-49, 54-58, 67-86, 91-94 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/22/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

PROSECUTION REOPENED

In view of the Appeal Brief filed on 8/20/07, PROSECUTION IS HEREBY REOPENED. In view of the Appeal Brief filed on 8/20/07, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:



DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 44,45,67,68,72,73,77,78,82 & 83 are rejected under 35 U.S.C. 102(e) as being anticipated by Trahan et al. US 5257414 (hereinafter: "Trahan").

Claim 44, Trahan teaches, in a data communication system (Abstract), a portable computerized data communication device (103) (e.g. a radio telephone), comprising: (a) a user interface (111); (b) a computerized system (e.g. inherently contains some form of a microprocessor and specifically details an internal hardware data processing device or unit, col. 1, lines 6-14) controlling operation of the device (103); (c) a portable power supply (105) providing operating power to said computerized system; (d) a device housing (e.g. housing of (105) opens to housing (103), fig. 5) having a normal closed condition defining an interior space (e.g. of interior space of (103)) within the device housing, and having an interior electrical connector (409,411) in compartment (201), within said interior space; and (e) said device (103) having an open condition providing access to said interior space while said device housing is in said open condition to enable connection with said interior electrical connector (409,411) of a

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peripheral device (201,401) (e.g. card reader/SIM chip card) equipping the device (103) to perform a new function (e.g. accessing subscriber information and other information stored on the SIM chip card (401) (col. 4, lines 1-26 of Trahan).

Claim 54, Trahan teaches in a data communication system, a portable computerized data communication device (103) (e.g. a radio telephone), comprising: (a) a user interface (111); (b) a computerized system (e.g. inherently contains some form of a microprocessor and specifically details an internal hardware data processing device or unit, col. 1, lines 6-14) controlling operation of the device; (c) a device housing (e.g. housing of (105) opens to housing (103), fig. 5) having a normal closed condition defining an interior space within the device housing, and having an interior electrical connector (409,411) within said interior space; and (d) said device (103) having an open condition providing access to said interior space while said device housing is in said open condition to enable connection with said interior electrical connector (409,411) of a peripheral device (201,401) (e.g. card reader/SIM chip card) equipping the device (103) to perform a new function.

Claim 67, Trahan teaches in a data communication system (Abstract), a portable computerized data communication device, comprising: (a) a user interface (111); (b) a computerized system (e.g. inherently contains some form of a microprocessor and specifically details an internal hardware data processing device or unit, col. 1, lines 6-14) controlling operation of the device; (c) a portable power supply(105) providing operating power to said computerized system; (d) a device housing (e.g. housing of (105) opens to housing (103), fig. 5) having a normal closed condition defining an interior space within the device housing, and having an interior electrical connector (409,411) recessed, (e.g. in a compartment (201)), at least in part, within said interior

space; and (e) said device (103) having an opening in the device housing providing access to said interior space to enable connection with said interior electrical connector (409,411) of a peripheral device (201,401) (e.g. card reader/SIM chip card) equipping the device (103) to perform a new function.

Claim 72, Trahan teaches in a data communication system (Abstract), a portable computerized data communication device(103), comprising: (a) a user interface (111); (b) a computerized system (e.g. inherently contains some form of a microprocessor and specifically details an internal hardware data processing device or unit, col. 1, lines 6-14) controlling operation of the device; (c) a portable power supply (105) providing operating power to said computerized system; (d) a device housing (e.g. housing of (105) opens to housing (103), fig. 5) having a normal closed condition defining an interior space within the device housing, and having an interior electrical connector (409,411) recessed (e.g. in a compartment (201)), at least in part, within said interior space; and (e) said device (103) having an opening in the device housing providing access to said interior electrical connector (409,411) of a peripheral device (201,401) (e.g. card reader/ SIM chip card) equipping the device (103) to perform a new function.

Claim 77, Trahan teaches in a data communication system (Abstract), a portable computerized data communication device, comprising: (a) a user interface (111); (b) a computerized system (e.g. inherently contains some form of a microprocessor and specifically details an internal hardware data processing device or unit, col. 1, lines 6-14) controlling operation of the device; (c) a device housing (e.g. housing of (105) opens to housing (103), fig. 5) having a normal closed condition defining an interior space within the device housing, and having an interior electrical connector (409,411) recessed (e.g. in a compartment (201)), at least in part, within said interior

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space; and (d) said device having an opening in said device housing providing access to said interior space to enable connection with said interior electrical connector (409,411) of a peripheral device (201,401) (e.g. card reader/SIM chip card) equipping the device (103) to perform a new function.

Claim 82, Trahan teaches in a data communication system (Abstract), a portable computerized data communication device, comprising: (a) a user interface (111); (b) a computerized system controlling (e.g. inherently contains some form of a microprocessor and specifically details an internal hardware data processing device or unit, col. 1, lines 6-14) operation of the device (103); (c) a device housing (e.g. housing of (105) opens to housing (103), fig. 5) having a normal closed condition defining an interior space within the device housing, and having an interior electrical connector (409,411) recessed (e.g. in a compartment (201)), at least in part, within said interior space; and (d) said device (103) having an opening in said device housing providing access to said interior electrical connector (409,411) of a peripheral device (201,401) (e.g. card reader/SIM chip card) equipping the device (103) to perform a new function.

Claims 45,55,68,73,78, & 83, respectively, Trahan, teaches the device (103) is sized to be held in a hand of a user.

Claims 46,56,69,74,79,& 84 respectively, in regards to all the limitations of claims 44,54,67,72,77, & 82 respectively above, teaches (inherent) the interface (111) including alpha characters.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 47,57,70,75, 80 & 85 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trahan et al.

Claims 47,57,70,75,80 & 85, respectfully, in regards to all the limitation of claims 44,54,67,72,77 & 82 respectfully above, Trahan teaches the new function of the peripheral device (201,401) and the capability of wireless communication, as an antenna (107), is connected to the transceiver housing (103) and further capable of supporting wireless communication, but is silent specifically as to wireless communication. It would have been obvious to specifically include a wireless modules, such as wireless RF units or transceivers with associated peripheral circuitry, in the invention of Trahan, since many mobile communication devices (in the art) utilizes wireless transceivers or RF units.

Note: Official Notice is taken in regards to Schaefer US 4718110, as Schaefer teaches a communication device (14) (e.g. a RF module) removably attached to a two-way radio.

3. Claims 48,58,71,76,81,86 & 91-94 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trahan et al. US 5257414 in view of Schaefer US 4718110.

Claims 48,58,71,76,81 & 86, respectively, in regards to all the limitations of claims 44,54,67,72,77 & 82 respectively above, Trahan is silent as to a RF communication module (14). Schaefer teaches a communication device (14) (e.g. a RF module) and a computerized system

(e.g. a microprocessor, col. 1, lines 22-27 of Schaefer), removably attached to a two-way radio. It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the communication device (14) of Schaefer in the invention of Trahan, in order to provide a self-contained and easily removed/maintained RF module, for the device (103) of Trahan.

Claim 91, Trahan teaches in a data communication system (Abstract), a portable computerized data communication device (103), comprising: (a) a user interface (111); (b) a computerized system (e.g. inherently teaches some form of a processor, and details specifically an internal data processing device, col. 1, lines 6-14), connected with said user interface (111), controlling operation of the device (103); (c) a device housing (e.g. housing of (105) opens up to housing (103), fig. 5) having an access opening, and a cover (e.g. housing of battery (105)), but is silent as to a communication module. Schaefer teaches a communication device (14) (e.g. a RF module) and a computerized system (e.g. a microprocessor, col. 1, lines 22-27 of Schaefer), removably attached to a two-way radio. It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the communication device (14) as taught by Schaefer in the invention of Trahan, in order to provide a self-contained and easily removed and maintained RF module, for the device (103) of Trahan.

Claim 92, Trahan in view of Schaefer, teaches the device (103) is sized to be held in a hand of a user.

Claim 93, Trahan in view of Schaefer, is silent as to the interface (111) including alpha characters. It would have been obvious to one having ordinary skill in the art at the time the

invention was made to include alpha characters on the interface, in order to expand the writing capabilities of the interface (111), by allowing a user to send a message.

Claim 94, Trahan in view of Schaefer, teaches a RF communication module (14).
radio communication module.

Allowable Subject Matter

4. Claims 49-53, 59-66 & 87-90 are allowed. The following is a statement of reasons for the indication of allowable subject matter: the allowability resides in the overall structure of the device as recited by independent claims 49, 59 & 87, and at least in part, because claims 49 & 87 recites: "said device comprising a device housing portion with a peripheral device electrical connector therein accessible from the exterior of said housing portion, a cover releasably engaged with said housing portion, and a peripheral device circuit electrically coupled with the peripheral device electrical connector, said device comprising a device said peripheral device circuit having a peripheral device electrical connector fitting accessible from the exterior of said housing portion and coupled with said computer processor via said peripheral circuit for providing data communication with a peripheral device," and claim 59 recites: "a cap releasably engaged with said housing and enclosing a memory coupling with said computerized system." The aforementioned limitations in combination with all remaining limitations of claims 49, 59 & 87 are believed to render the claims 49, 59 & 87 and all claims dependent thereupon, patentable over the art of record.

US 4718110 to Schaefer is considered a close reference to the instant application. Schaefer disclosed a device (10) having a housing, but is silent as to a peripheral device circuit being electrically coupled with the peripheral device electrical connector having a fitting

accessible from the exterior of the said housing portion and a cap releasably engaged with the housing enclosing a memory coupling.

US 5257414 to Trahan is considered the closest reference as Trahan disclosed a device (103) having a housing portion, a peripheral device electrical circuit (201), a peripheral card (401), but is silent as to the peripheral device circuit (201) being electrically coupled with a peripheral device electrical connector, having a fitting accessible from the exterior of the said housing portion and a cap releasably engaged with the housing.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Ditzig et al. US 5617474 shows the general state of the art regarding portable handheld electronic devices with peripheral connector configurations.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ingrid Wright whose telephone number is (571)272-8392. The examiner can normally be reached on M-F. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jayprakash Gandhi can be reached on (571)272-2800, ext 35. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-

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9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

IDW



**LISA LEA-EDMONDS
PRIMARY EXAMINER**